

**U.S. District Court**  
**District of Columbia (Washington, DC)**  
**CIVIL DOCKET FOR CASE #: 1:11-cv-01654-JEB**

NICHOLLS v. UNITED STATES OFFICE OF PERSONNEL  
MANAGEMENT

Assigned to: Judge James E. Boasberg  
Cause: 05:552 Freedom of Information Act

Date Filed: 09/13/2011

Date Terminated: 08/02/2012

Jury Demand: None

Nature of Suit: 895 Freedom of  
Information Act

Jurisdiction: U.S. Government Defendant

**Plaintiff**

**LEAH M. NICHOLLS**

represented by **Brian Wolfman**  
GEORGETOWN UNIVERSITY LAW  
CENTER  
600 New Jersey Avenue, N.W.  
Washington, DC 20001  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

V.

**Defendant**

**UNITED STATES OFFICE OF  
PERSONNEL MANAGEMENT**

represented by **Claire M. Whitaker**  
UNITED STATES ATTORNEY'S  
OFFICE  
555 4th Street, NW  
Suite E-4204  
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**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

Date Filed	#	Docket Text
09/13/2011	<u>1</u>	COMPLAINT against UNITED STATES OFFICE OF PERSONNEL MANAGEMENT ( Filing fee \$ 350, receipt number 4616042199) filed by LEAH M. NICHOLLS. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Civil Cover Sheet)(jf, ) (Entered: 09/14/2011)
09/13/2011		SUMMONS (3) Issued as to UNITED STATES OFFICE OF PERSONNEL MANAGEMENT, U.S. Attorney and U.S. Attorney General (jf, ) (Entered: 09/14/2011)
09/14/2011	<u>2</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 9/13/2011. Answer due for ALL FEDERAL DEFENDANTS by 10/13/2011. (Wolfman, Brian) (Entered: 09/14/2011)
09/28/2011	<u>3</u>	NOTICE of Appearance by Claire M. Whitaker on behalf of UNITED STATES OFFICE OF PERSONNEL MANAGEMENT (Whitaker, Claire) (Entered: 09/28/2011)
10/12/2011	<u>4</u>	Consent MOTION for Extension of Time to File Answer re <u>1</u> Complaint by UNITED STATES OFFICE OF PERSONNEL MANAGEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 10/12/2011)

10/12/2011		MINUTE ORDER granting <u>4</u> Consent Motion for Extension of Time to Answer. The Court ORDERS that Defendant shall answer or otherwise respond to Plaintiff's Complaint on or before November 14, 2011. Signed by Judge James E. Boasberg on 10/12/2011. (lcjeb1) (Entered: 10/12/2011)
10/13/2011		Set/Reset Deadlines: Defendant shall answer or otherwise respond to Plaintiff's Complaint on or before 11/14/2011. (ad) (Entered: 10/13/2011)
11/14/2011	<u>5</u>	ANSWER to <u>1</u> Complaint by UNITED STATES OFFICE OF PERSONNEL MANAGEMENT.(Whitaker, Claire) (Entered: 11/14/2011)
11/15/2011	<u>6</u>	ORDER. The parties shall consult and file a joint proposed briefing schedule on or before December 15, 2011. Signed by Judge James E. Boasberg on 11/15/2011. (lcjeb1) (Entered: 11/15/2011)
11/16/2011		Set/Reset Deadlines: The parties shall consult and file a joint proposed briefing schedule on or before 12/15/2011. (ad) (Entered: 11/16/2011)
12/13/2011	<u>7</u>	NOTICE of the Parties' Proposed Briefing Schedule by UNITED STATES OFFICE OF PERSONNEL MANAGEMENT re <u>6</u> Order (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 12/13/2011)
12/15/2011	<u>8</u>	SCHEDULING ORDER. The Court ORDERS that the following schedule shall govern further proceedings in this case: (1) Defendant shall file its Motion for Summary Judgment on or before February 16, 2012; (2) Plaintiff shall file her Opposition and any Cross-Motion for Summary Judgment on or before March 20, 2012; (3) Defendant's Reply and any Opposition to Plaintiff's Cross-Motion shall be filed on or before April 20, 2012; and (4) any Reply in support of Plaintiff's Cross-Motion shall be filed on or before May 11, 2012. Signed by Judge James E. Boasberg on 12/15/2011. (lcjeb1) (Entered: 12/15/2011)
12/15/2011		Set/Reset Deadlines: : (1) Defendant shall file its Motion for Summary Judgment on or before 2/16/2012; (2) Plaintiff shall file her Opposition and any Cross-Motion for Summary Judgment on or before 3/20/2012; (3) Defendant's Reply and any Opposition to Plaintiff's Cross-Motion shall be filed on or before 4/20/2012; and (4) Any Reply in support of Plaintiff's Cross-Motion shall be filed on or before 5/11/2012. (ad) (Entered: 12/15/2011)
02/16/2012	<u>9</u>	Consent MOTION for Extension of Time to <i>due date for dispositive motion and oppo/cross motion</i> by UNITED STATES OFFICE OF PERSONNEL MANAGEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 02/16/2012)
02/17/2012		MINUTE ORDER granting <u>9</u> Motion for Extension of Time. The Court ORDERS that the Scheduling Order governing this case is modified as follows: 1) Defendant shall file its Motion for Summary Judgment on or before February 23, 2012; and 2) Plaintiff shall file her Opposition and any Cross-Motion for Summary Judgment on or before March 27, 2012. Signed by Judge James E. Boasberg on 2/17/2012. (lcjeb1) (Entered: 02/17/2012)
02/17/2012		Set/Reset Deadlines: Defendant shall file its Motion for Summary Judgment on or before 2/23/2012; Plaintiff shall file her Opposition and any Cross-Motion for Summary Judgment on or before 3/27/2012. (ad) (Entered: 02/17/2012)
02/23/2012	<u>10</u>	MOTION to Dismiss, MOTION for Summary Judgment by UNITED STATES OFFICE OF PERSONNEL MANAGEMENT (Attachments: # <u>1</u> Attachment 1 – Dec. of Ryan Witt, # <u>2</u> Attachment 2 – Dec. of Gary Lukowski, # <u>3</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 02/23/2012)
03/27/2012	<u>11</u>	Cross MOTION for Summary Judgment by LEAH M. NICHOLLS (Attachments: # <u>1</u> Declaration Declaration of Leah M. Nicholls with Exhibit A, # <u>2</u> Exhibit Newspaper article, # <u>3</u> Text of Proposed Order)(Wolfman, Brian) (Entered: 03/27/2012)
03/27/2012	<u>12</u>	Memorandum in opposition to re <u>10</u> MOTION to Dismiss MOTION for Summary Judgment filed by LEAH M. NICHOLLS. (Attachments: # <u>1</u> Declaration Declaration of Leah M. Nicholls with Exhibit A, # <u>2</u> Exhibit Newspaper article, # <u>3</u> Text of Proposed Order)(Wolfman, Brian) (Entered: 03/27/2012)

03/27/2012	<u>13</u>	Memorandum in opposition to re <u>10</u> MOTION to Dismiss MOTION for Summary Judgment filed by LEAH M. NICHOLLS. (Wolfman, Brian) (Entered: 03/27/2012)
04/19/2012	<u>14</u>	Consent MOTION for Extension of Time to File Response/Reply as to <u>10</u> MOTION to Dismiss MOTION for Summary Judgment, <u>11</u> Cross MOTION for Summary Judgment by UNITED STATES OFFICE OF PERSONNEL MANAGEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 04/19/2012)
04/20/2012		MINUTE ORDER granting <u>14</u> Consent Motion for Extension of Time. The Court ORDERS that the Scheduling Order governing this case is modified as follows: 1) Defendant shall file its Opposition to Plaintiffs Cross Motion for Summary Judgment and its Reply to Plaintiffs Opposition to Defendants Motion for Summary Judgment on or before April 24, 2012; and 2) Plaintiff shall file her Reply to Defendants Opposition to Plaintiffs Cross Motion for Summary Judgment on or before May 13, 2012. Signed by Judge James E. Boasberg on 4/20/12. (lcjeb4) (Entered: 04/20/2012)
04/20/2012		Set/Reset Deadlines: Defendant shall file its Opposition to Plaintiffs Cross Motion for Summary Judgment and its Reply to Plaintiffs Opposition to Defendants Motion for Summary Judgment on or before 4/24/2012; Plaintiff shall file her Reply to Defendants Opposition to Plaintiffs Cross Motion for Summary Judgment on or before 5/13/2012. (ad) (Entered: 04/20/2012)
04/24/2012	<u>15</u>	REPLY to opposition to motion re <u>10</u> MOTION to Dismiss MOTION for Summary Judgment filed by UNITED STATES OFFICE OF PERSONNEL MANAGEMENT. (Whitaker, Claire) (Entered: 04/24/2012)
04/24/2012	<u>16</u>	Memorandum in opposition to re <u>11</u> Cross MOTION for Summary Judgment filed by UNITED STATES OFFICE OF PERSONNEL MANAGEMENT. (Attachments: # <u>1</u> Statement of Facts)(Whitaker, Claire) (Entered: 04/24/2012)
05/09/2012	<u>17</u>	REPLY to opposition to motion re <u>11</u> Cross MOTION for Summary Judgment filed by LEAH M. NICHOLLS. (Wolfman, Brian) (Entered: 05/09/2012)
05/29/2012	<u>18</u>	ORDER denying Defendant's <u>10</u> Motion for Summary Judgment and granting in part and denying in part Plaintiff's <u>11</u> Cross Motion for Summary Judgment. Defendant shall search for responsive documents possessed by the Federal Investigative Services and Defendant shall produce non-exempt records relating to reconsiderations of decisions of termination, denial of employment, or withdrawal of an employment offer pursuant to 5 U.S.C. § 3328. Signed by Judge James E. Boasberg on 5/29/12. (lcjeb4) (Entered: 05/29/2012)
05/29/2012	<u>19</u>	MEMORANDUM OPINION to <u>18</u> Order. Signed by Judge James E. Boasberg on 5/29/12. (lcjeb4) (Entered: 05/29/2012)
05/29/2012	<u>20</u>	MOTION for Attorney Fees <i>and Costs</i> by LEAH M. NICHOLLS (Wolfman, Brian) (Entered: 05/29/2012)
06/18/2012	<u>21</u>	Unopposed MOTION for Extension of Time to File Response/Reply to <i>Plaintiff's Motion for Attorney's Fees</i> by UNITED STATES OFFICE OF PERSONNEL MANAGEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 06/18/2012)
06/19/2012		MINUTE ORDER: Defendant's <u>21</u> Unopposed Motion for Extension of Time to File it's Opposition to Plaintiff's Motion for Attorney's Fees is hereby GRANTED. Defendant's Opposition shall be filed on or before June 26, 2012. Signed by Judge James E. Boasberg on 6/19/12. (lcjeb4) (Entered: 06/19/2012)
06/20/2012		Set/Reset Deadline: Defendant's Opposition shall be filed on or before 6/26/2012. (ad) (Entered: 06/20/2012)
06/25/2012	<u>22</u>	Unopposed MOTION for Extension of Time to <i>file Opposition to Motion for Attorney's Fees to 8/1/12</i> by UNITED STATES OFFICE OF PERSONNEL MANAGEMENT (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 06/25/2012)

06/25/2012		MINUTE ORDER: granting <u>22</u> Defendant's Unopposed Motion to Extend the due date for Defendant's Opposition to Plaintiff's Motion for Attorney's Fees is hereby GRANTED. Defendant shall file its Opposition on or before August 1, 2012. Signed by Judge James E. Boasberg on 6/25/12. (lcjeb4) (Entered: 06/25/2012)
06/26/2012		Set/Reset Deadline: Defendant shall file its Opposition on or before 8/01/2012. (ad) (Entered: 06/26/2012)
06/29/2012	<u>23</u>	Amended MOTION for Attorney Fees <i>and Costs</i> by LEAH M. NICHOLLS (Wolfman, Brian) (Entered: 06/29/2012)
08/01/2012	<u>24</u>	STIPULATION ( <i>Stipulation of Settlement of Attorney's Fees</i> ) by UNITED STATES OFFICE OF PERSONNEL MANAGEMENT. (Whitaker, Claire) (Entered: 08/01/2012)
08/02/2012		MINUTE ORDER: Per the Parties' <u>24</u> Stipulation, the Court ORDERS that this case is DISMISSED WITH PREJUDICE. Signed by Judge James E. Boasberg on 8/2/12. (lcjeb4) (Entered: 08/02/2012)